

REMARKS

This paper is responsive to the Office Action dated August 8, 2003, having a shortened statutory period expiring on November 8, 2003, wherein:

Claims 1-9, 11-16, 18-28 and 30-37 were pending in the application; and

Claims 1-9, 11-16, 18-28 and 30-37 were rejected.

Claims 1, 11, 20, 23-27, and 34 have been amended, Claim 38 has been added, and no claims have been canceled by this amendment. Accordingly, claims 1-9, 11-16, 18-28 and 30-38 remain currently pending.

Rejection of Claims under 35 U.S.C. §102

In the present Office Action, claims 1, 5 and 6 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 4,617,017, issued to Hubbard et al. (hereinafter, "**Hubbard**"). Applicants respectfully disagree and traverse the rejection as follows.

A *prima facie* case of anticipation requires the disclosure, in a single prior art reference, of each and every element of the claimed invention, arranged as in the claim. Applicants respectfully submit that the present Office Action fails to address all elements and/or limitations of Applicants' claim 1 and consequently fails to establish a *prima facie* case of anticipation with respect to that claim. More specifically, it is stated within the present Office that,

Hubbard discloses a planar substrate (12) having a first surface (20); a cable fastener having a second plurality of fasteners of one of a plurality of hook and loop mechanisms (29), a variable width opening (capable of encircling cables, see figure 3), an elongated body (26), a head portion (24), a head defining an opening (28).

Applicants' claim 1, as amended, recites an apparatus comprising, "a cable fastener comprising a second plurality of fasteners of the one of the plurality of hook and loop mechanisms, wherein the second plurality of fasteners is configured to engage the first plurality of fasteners, the cable fastener is separate from the substrate, and the second plurality of fasteners is not configured to engage any portion of the cable fastener." (Applicants' claim 1, as amended, emphasis supplied) While Applicants' claim 1 includes additional elements or limitations, for purposes of responding to the rejections of the present Office Action Applicants will focus on those described above. Applicants respectfully submit that, as the present Office

Action fails to state how or where **Hubbard** discloses a cable fastener which is, “separate from the substrate” as claimed, the present Office Action fails to establish a prima case of anticipation.

Applicants further note that **Hubbard**, contrary to Applicants’ claimed embodiments which provide significantly greater flexibility both in the initial placement and re-orientation of cables, teaches a personal catheter leg strap for securing a catheter tube in a fixed location on a portion of the anatomy adjacent to a catheter insertion point which does not change. The catheter securing strip (22) of **Hubbard** is accordingly taught as being permanently attached by a seam (16) at a junction between two sections (12 and 14) of **Hubbard**’s personal catheter leg strap (see Hubbard, Figs. 2-4). By contrast, embodiments of the claimed invention provide a cable fastener which may be releasably coupled at any location and orientation on a substrate, thereby enabling cables (e.g., fiber optic cables) to be efficiently managed, re-organized, and added without damage. Consequently, Applicants submit that the Examiner’s rejection is traversed and should therefore be withdrawn.

In the present Office Action, claims 23, 26, 27, 28, 30, 31, 32 and 33 were rejected under 35 U.S.C. §102(e) as being anticipated by both U.S. Patent No. 6,501,020, issued to Grant et al. (hereinafter, “**Grant**”) and U.S. Patent No. 6,326,547, issued to Saxby et al. (hereinafter, “**Saxby**”). Applicants respectfully disagree and overcome the rejection as follows.

Applicants’ claim 23, as amended, recites an apparatus comprising,

a means for supporting one or more cables, wherein the means for supporting one or more cables includes a cable fastener means;
 a means for releasably engaging the cable fastener means, said means for releasably engaging including at least one of one or more mushroom-shaped stems, one or more pine-tree-shaped stems, one or more hooks, and one or more loops; and
 a cable routing apparatus comprising a frame means for supporting one or more fiber cables configured to releasably engage the means for releasably engaging the cable fastener means. (emphasis supplied)

According to the teaching of both **Grant** and **Saxby**, a Velcro™ strip or strap is threaded through a slot or aperture and coupled to itself rather than to the system or assembly through which it is threaded (See **Grant**, Figs. 7 and 8 and **Saxby**, Figs. 10 and 11). Applicants therefore respectfully submit that neither **Grant** nor **Saxby** teach “a frame means for supporting one or more fiber cables configured to releasably engage the means for releasably engaging the cable fastener means” as claimed.

Rejection of Claims under 35 U.S.C. §103

In the present Office Action, claims 1, 4-9, 11, 14-16, 18-23, 26-28, 30-34, 36 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Grant** in view of **Hubbard**, claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Hubbard** in view of U.S. Patent No. 5,671,511, issued to Hattori et al. (hereinafter, "**Hattori**"), and claims 2, 3, 12, 13, 24, 25 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Grant** in view of **Hubbard**, in further view of U.S. Patent No. 5,691,021, issued to Kobe (hereinafter, "**Kobe**"). Applicants respectfully disagree and traverse the rejection as follows.

Applicants respectfully submit that the Examiner's cited references (**Grant**, **Hubbard**, **Hattori**, and **Kobe**) fail individually to teach, show, or suggest all elements of Applicants' claims, that one of ordinary skill would not have been motivated to combine **Grant** and **Hubbard** as they are from non-analogous fields, that the present Office Action fails to provide a suggestion or motivation to combine **Grant** and **Hubbard**, and that, even if combined, the Examiner cited references fail to teach, show, or suggest all elements of Applicants' claims.

Applicants respectfully submit that **Hubbard** fails to teach, show, or suggest a cable fastener which is, "separate from the substrate" as previously described with respect to the Examiner's rejection of Applicants' claim 1 under 35 U.S.C. §102(e) herein. Neither **Grant**, **Hattori**, nor **Kobe** teaches a cable fastener which is "separate from the substrate". Consequently, Applicants respectfully submit that none of the Examiner's cited referenced teach, show, or suggest the described limitation.

In the present Office Action, the Examiner states that, "It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Grant to have made the substrate to have one of a plurality of hook and loop mechanisms and the cable fastener to have the other of one of a plurality of hook and loop mechanisms as taught by Hubbard for the purpose of facilitating attachment of the cable fastener to the substrate." Applicants respectfully disagree.

Applicants submit that one of ordinary skill in the art with which Applicants' claimed invention embodiments are most closely related would not have been reasonably expected or motivated to combine the teachings of the field of endeavor of **Hubbard** (catheter leg straps) with the teachings of the non-analogous field of endeavor of **Grant** (electrical equipment and

cable support) as suggested in the present Office Action. The present Office Action fails not only to describe why one of ordinary skill would be motivated to combine teachings of the non-analogous fields of *Hubbard* and *Grant* generally but also to provide a suggestion or motivation for the combination of *Hubbard* and *Grant* specific to Applicants' claims. Accordingly, Applicants respectfully submit that the combination of *Hubbard* and *Grant* is improper.

Applicants further submit that any combination including *Hubbard* would necessarily include a catheter securing strip (22) permanently attached by a seam (16) at a junction between two sections (12 and 14) of a personal catheter leg strap as previously described herein. Consequently, no combination including *Hubbard* could be construed as teaching, showing, or suggesting a cable fastener which is "separate from the substrate" as claimed by Applicants. Applicants therefore respectfully submit that the Examiner's cited references, even if combined, fail to teach, show, or suggest all elements of Applicants' claims or provide the ability to releasably couple a cable fastener at any location and orientation on a substrate.

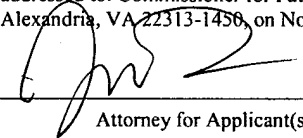
In the present Office Action, claims 1, 4-9, 11, 14-16, 18-23, 26-28, 30-34, 36 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,327,139, issued to Champion et al. (hereinafter, "*Champion*") in view of *Hubbard*, and claims 2, 3, 12, 13, 24, 25 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Champion* in further view of *Hattori*. Applicants respectfully disagree and traverse the rejection as follows.

For substantially similar reasons to those previously described with respect to the Examiner's rejection under 35 U.S.C. § 103(a) in view of *Grant*, *Hubbard*, *Hattori*, and *Kobe*, Applicants respectfully submit that *Champion*, *Hubbard*, and *Hattori* fail individually to teach, show, or suggest all elements of Applicants' claims, that one of ordinary skill would not have been motivated to combine *Champion* and *Hubbard* as they are from non-analogous fields, and that, even if combined, the Examiner cited references fail to teach, show, or suggest all elements of Applicants' claims.

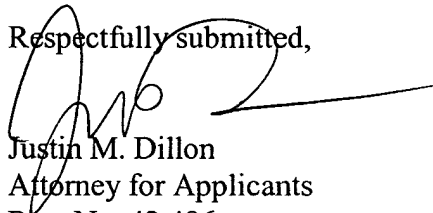
As previously discussed herein, Applicants submit that any combination including *Hubbard*, including the combination of *Hubbard* and *Champion*, would necessarily include a catheter securing strip (22) permanently attached by a seam (16) at a junction between two sections (12 and 14) of a personal catheter leg strap as previously described herein. Consequently, no combination including *Hubbard* could be construed as teaching, showing, or

suggesting a cable fastener which is "separate from the substrate" as claimed by Applicants. Applicants therefore respectfully submit that the Examiner's cited references, even if combined, fail to teach, show, or suggest all elements of Applicants' claims or provide the ability to releasably couple a cable fastener at any location and orientation on a substrate.

Accordingly, Applicants respectfully submit that independent claims 1, 11, 23, and 34 and all claims depending therefrom are allowable over the Examiner's cited references. Applicants further respectfully submit that newly submitted independent claim 38 is similarly allowable. In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5080.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 10, 2003.	
	<u>11-10-03</u>
Attorney for Applicant(s)	Date of Signature

Respectfully submitted,


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